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Attorney for Plaintiffs

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**IN THE UNITED STATES DISTRICT COURT**  
**IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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**JEREMY JOYNER, an individual; and  
TARA JOYNER, an individual,**

**Plaintiffs,**

**vs.**

**CITICORP TRUST BANK, FSB, a federal  
savings bank; CITIMORTGAGE, INC., a  
New York corporation; VERICREST  
FINANCIAL, INC. f/k/a The CIT Group,  
Inc., a Delaware corporation; U.S. BANK  
NATIONAL ASSOCIATION, as Trustee  
for LSF7 NPL VII NPL Bermuda Trust, a  
national association, and DOES 1-5,**

**Defendants.**

**MOTION TO WITHDRAW AS COUNSEL**

**Case No.: 2:12-cv-00298 CW-EJF**

**Honorable Clark Waddoups**

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Pursuant to Rule 83-1.4(a) DuCivR, Abraham C. Bates, counsel for Plaintiffs Jeremy and Tara Joyner (“Plaintiffs” or the “Clients”), HEREBY MOVES to withdraw as counsel in the above-captioned matter. The Clients have materially breached their engagement agreement with Counsel by failing to make required payments and refusing to communicate with Counsel. Said

agreement specifically provides for counsel's right to withdraw in the event Client engages in such actions allowing for the withdrawal of counsel according to the Model Rules of Professionalism. Therefore, this Motion to Withdraw as Counsel is consent-based.

Counsel hereby requests withdrawal from the above-captioned case pursuant to the Utah Rules of Professional Conduct Rule 1.16(b)(4) and Rule 1.16(b)(1).

There are no pending motions or scheduled hearings before the Court in this matter and counsel's withdrawal will not unduly prejudice any non-moving parties nor will it improperly delay litigation.

A copy of this Motion to Withdraw as Counsel along with a copy of Plaintiffs' file has been sent to their last known address as follows:

Jeremy and Tara Joyner  
P.O. Box 1860  
Orem, UT 84059

Notice has been sent to the Plaintiffs advising that if this motion is granted and no Notice of Substitution of Counsel is filed, Plaintiffs are to file a notice of appearance within 21 days after entry of the order unless otherwise ordered by the Court.

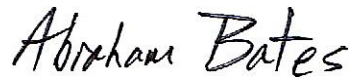
Therefore, pursuant to DuCivR 83-1.4(a) and for the reasons stated above, Abraham C. Bates' Motion to Withdraw as Counsel should be granted.

A proposed Order Granting Motion to Withdraw as Counsel is also filed herewith.

DATED this 13<sup>TH</sup> day of February 2013.

Respectfully submitted

**LAW OFFICES OF ABRAHAM C. BATES**

Handwritten signature of Abraham Bates in cursive script.

Abraham C. Bates, Esq.

*Attorney for Plaintiffs Jeremy Joyner and Tara Joyner*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing MOTION TO WITHDRAW AS COUNSEL and [PROPOSED] ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL were served via CM/ECF and via PRIORITY FIRST CLASS U.S. MAIL on this 13<sup>th</sup> day of February, 2013 upon the following:

Anthony C. Kaye  
Steven D. Burt  
BALLARD SPAHR, LLP  
One Utah Center, Suite 800  
201 South Main Street  
Salt Lake City, UT 84111-2221  
*Attorneys for defendants Citicorp Trust Bank, FSB  
and CitiMortgage, Inc.*

Jeremy Joyner  
Tara Joyner  
P.O. Box 1860  
Orem, UT 84059  
*Plaintiffs*



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Jennifer Rasmussen  
Paralegal